

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The Examiner objected to the drawings and the specification for improper or duplicated labels. The specification has been amended and a new figure provided that make the objections moot.

The Examiner objected to the abstract. A new abstract has been provided, making the objection moot.

Claims 1-15 and 17-24 remain in this application. Claim 16 has been canceled. Claims 25-31 have been added without adding any new matter.

The Examiner objected to claim 1 for the acronym "VRD". The acronym has been defined in the claim, making the objection moot.

The Examiner objected to claim 16. Claim 16 has been canceled, making the objection moot.

The Examiner rejected claim 1, 7, 13, and 17 under 35 U.S.C. 103(a) as being unpatentable over Sehr (U.S. 6,085,976), in view of Cousins et al. (U.S. 6,417,797). The Examiner rejected claims 2-3, 9-12, 14-16, and 18-20 under 35 U.S.C. 103(a) as being unpatentable over Sehr, in view of Cousins, and further in view of Jachimowicz et al. (EP 0 564 940 A1). For the following reasons, the rejections are traversed.

Claim 1 recites a step of "contactless transmission of said identification and

authorization data in a portable authorization-checking device". New claims 24, 28 and 29 recite similar limitations. The Examiner cites Sehr as teaching this element of the claim. However, a close reading of the reference does not support the Examiner's assertion.

Sehr teaches a travel system that utilizes a "passenger card 11" to store data that is "equivalent of an electronic ticket" (col. 6, lines 26). However, the card 11 of Sehr is read by a card reader 12. Nowhere does Sehr suggest that the card reader 12 can read the card 11 via "contactless transmission". In fact, one skilled in the art would determine that the card reader 12 must be in physical contact with the card 11 in order to read it, because the user must insert the card 11 into a card slot 23 of the card reader 12 to have the card read. (See FIGs 1 and 2, and see col. 6, lines 39; col. 10, lines 1-5; col. 10 lines 37-40; col. 11 lines 63-66, for example). There is nothing at all to suggest contactless transmission. Neither Cousines nor Jachimowicz overcome this shortcoming, and hence claims 1, 24, 28, and 29 are patentable over the references, even if combined.

Claim 1 further recites a step of "visual reproduction of said identification and authorization data with a Virtual Retinal Display (VRD) device". New claims 24, 28 and 29 recite similar limitations. The Examiner admits that Sehr does not suggest any such device, and thus cites Cousins as teaching this VRD device.

However, Cousins does not disclose a VRD device. One skilled in the art would know that a "Virtual Retinal Display" device is a device for projecting a low power light beam directly on the retina of a user to generate a synthetic perceived (i.e., "virtual") image by modulating the light beam. In contrast, Cousins merely teaches the use of portable, flat-panel display which actually displays a real image. The Examiner admits this on page 5 of the Office action

(stating that a motivation of the combination is to provide a “*real* image of Cousins”, which, of course, is *not* what the claims recite). There is no suggestion of using a VRD device found in either reference. Hence, claims 1, 24, 28, and 29 are patentable over the references, even if combined.

Finally, the Examiner has not provided legally sufficient motivation for combining the references. Stating that providing a “flexible and convenient device to display information related to users in order to operate a travel system more efficient [sic] at any place at any time” is hardly a motivation for making the specific modification proposed by the Examiner. Hence, the combination of references is improper, and thus the rejections should be withdrawn.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34182.

Respectfully submitted,
PEARNE & GORDON LLP

By: 
Robert F. Bodi, Reg. No. 48540

1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700
Date: August 2, 2004